THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.5249 OF 2005

DATED: 05-01-2007

Between:

Tamirsi Rama Krishna and others

.. Petitioners

and

The Branch Manager, The Bhimavaram Co-operative Urban Bank Limited, Tadepalligudem, West Godavari District and others

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.5249 OF 2005

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondents in issuing notice under Rule 52 (11) (e) of the Andhra Pradesh Co-operative Societies Rules, 1964 (for short 'the Rules') and in conducting auction of the petitioners' house without considering their objections dated 10-03-2005, as arbitrary, illegal and contrary to the provisions of the Andhra Pradesh Co-operative Societies Act, 1964 (for short 'the Act') and in violation of principles of natural justice.

It appears, the petitioners obtained a housing loan from the 1st respondent-bank amounting to Rs.1,80,000/- and fell in arrears. Therefore, the bank obtained a certificate under Section 71 of the Act and, thereafter, sought to execute the proceedings in E.P.No.1228/2004-2005 for auctioning the house of the petitioners for realization of the dues. At that stage, the petitioners filed objections dated 10-03-2005. According to the petitioners, the said objections were filed as required under Rule 52 (21) of the Rules, as a claim petition. The said claim petition is still pending and no action thereon was taken so far.

In view of the above, without expressing any opinion on the merits of the case, the respondents are directed to dispose of the objections

purported to have been filed by the petitioners on 10-03-2005 and dispose of the same after putting the petitioners on notice and hearing them in this regard and pass appropriate orders and communicate the same to the petitioners. Till such time, no coercive steps shall be taken by the authorities against the petitioners. The petitioners can raise any further objections, if necessary, by filing an additional objections petition before the Sale Officer.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

C.V. RAMULU, J

5th January 2007.

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